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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,445	03/31/2004	Steve Tengler	032915-0148	3785
22428 7590 03/15/2007 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			EXAMINER BEAULIEU, YONEL	
			ART UNIT	PAPER NUMBER
			3661	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/813,445

Applicant(s)

TENGLER ET AL.

Examiner

Yonel Beaulieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 42 is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

Applicant's arguments with respect to claims 1 - 38 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1 – 11, 17 – 19, 36, and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7130743 to Kudo et al. ("Kudo").

Regarding claims 1, 4, 5, 36, and 37, Kudo teaches automatically providing traffic information to a user, comprising: position determining system (GPS; item 11 in fig. 1)

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tracking and storing (item 13) travel pattern (travel information history by way of item 16) data of the user, the travel pattern data including a time at which a travel occurs (by way of item 14), analyzing the travel pattern data to predict a particular travel path traveled by the user at a particular time when the travel occurs (col. 1, line 58 – col. 6, line 24 at least) – the travel pattern being analyzed to determine whether the travel path is traveled at a frequency greater than a threshold value (col. 15, lines 17 – 24 and line 55 – col. 16, line 28 at least; see figs. 13 and 21 at least); and automatically determining traffic information along the particular travel path at or before the particular time at which travel is predicted (by way of item 18; col. 7, line 59 – col. 8, line 37; col. 18, lines 28 - 53 at least).

Regarding claim 2, Kudo further teaches wherein the tracking and storing step comprises tracking and storing a start time, a day of the week, a start location, and an end location for each travel of the user (col. 6, lines 2 – 20 at least).

Regarding claim 3, Kudo further teaches wherein the travel pattern data relates to travel by the user using a vehicle (the vehicle is not explicitly shown; however, note col. 5, lines 48 – 57 at least).

Regarding claims 6, 7, and 38, Kudo teaches all of the limitations including start time that is determined at a time of switching on the ignition, and an end time is determined at a time of switching off the ignition (col. 7, lines 49 – 58 at least).

Regarding claims 8 and 9, Kudo further teaches correlating pairs of start locations and end locations with a range of start times and/or a day of the week (see figs. 4a-4b, 11, 21, and 28).

Regarding claims 9 – 11, Kudo's traffic information is communicated to the vehicle traveling along the path (Kudo's figs. 1, 10, 12, 15, 19, 24, 27, and 29 illustrate communication to the vehicle from server 2 via network 3).

Regarding claims 17 and 18, Kudo's automatically determined traffic information is displayed to the user on a display within the vehicle (S26 in fig. 5; col. 10, lines 59 – 66 at least).

Regarding claim 19, Kudo's the user accessible display comprises one or more of a home computer, a mobile phone, a PDA, or a handheld device (col. 5, lines 28 – 35; col. 15, lines 31 – 48; col. 21, lines 15 – 42).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12 – 14, 20 – 35, and 39 - 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kudo ('743).

Kudo teaches all of the limitations of claims 20, 23, and 39 - 41, as applied to claim 36 at least, except for the communication unit [means] being a 'short range' communication unit that is a DSRC. However, Kudo teaches a server (2) in communication with a network (3) and with the in-car navigation system (see fig. 1 at least).

Such a teaching suggests that it would have been obvious to one of ordinary skill in the art at the time of the invention the network taught is capable of communication with the system in a short range in order to achieve the intended result of automatically providing traffic information to a user; overall, Kudo's teaching performs equally well. Moreover, a short range communication unit being a DSRC is old and well-known (see for example U.S. Patent No. 6973378 to Yamada).

Regarding claim 21, Kudo further teaches wherein the tracking and storing step comprises tracking and storing a start time, a day of the week, a start location, and an end location for each travel of the user (col. 6, lines 2 – 20 at least).

Regarding claim 22, Kudo further teaches wherein the travel pattern data relates to travel by the user using a vehicle (the vehicle is not explicitly shown; however, note col. 5, lines 48 – 57 at least).

Regarding claim 24, Kudo teaches all of the limitations including start time that is determined at a time of switching on the ignition, and an end time is determined at a time of switching off the ignition (col. 7, lines 49 – 58 at least).

Regarding claims 25 and 26, Kudo further teaches correlating pairs of start locations and end locations with a range of start times and/or a day of the week (see figs. 4a-4b, 11, 21, and 28).

Regarding claims 27 and 28, Kudo's traffic information is communicated to the vehicle traveling along the path (Kudo's figs. 1, 10, 12, 15,, 19, 24, 27, and 29 illustrate communication to the vehicle from server 2 via network 3).

Regarding claims 12 – 14 and 29 – 31, communicating the information to *another* vehicle along the path involves routine skill in the art.

Regarding claims 33 and 34, Kudo's automatically determined traffic information is displayed to the user on a display within the vehicle (S26 in fog. 5; col. 10, lines 59 – 66 at least).

Regarding claim 35, Kudo's the user accessible display comprises one or more of a home computer, a mobile phone, a PDA, or a handheld device (col. 5, lines 28 – 35; col. 15, lines 31 – 48; col. 21, lines 15 – 42).

Allowable Subject Matter

Claim 42 is allowed. The prior art of record fail to teach automatically providing traffic information to a user in a vehicle comprising, among other limitations, a short range communication unit that is configured to communicate with a second vehicle along the travel path to receive travel information from the second vehicle, wherein the travel information form the second vehicle comprises re-broadcasted travel information that originated from a vehicle other than the second vehicle.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (571) 272-6955. The examiner can normally be reached on Mon., Wed. & Thur. between 0900 and 1600.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Yonel Beaulieu
Primary Examiner
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